

**February 2, 2014**

**Media Captioning Services  
2111 Palomar Airport Road  
Carlsbad, CA 92011**

**VIA ECFS**

**Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St, S.W.  
Washington, DC 20554**

**RE: Quality Standards Prospective Rulemaking re MB Docket NO 05-231**

**Dear Ms. Dortch:**

**On February 1, 2014 Richard Pettinato, Exec VP of MCS sent the attached e-mail to Karen Peltz Strauss upon learning of an Ex Parte meeting attended by numerous stakeholders on the matter of quality captioning, and FCC rulemaking on this matter. Our company, a major participant/provider of closed captioning was not invited, although we have many relevant points to bring to the FCC's attention on this matter. The attached text of the e-mail presents a synopsis of some of our concerns about suggestions in the Ex Parte meeting held by NCRA and other stakeholders on December 20, and some of our recommendations.**

**Sincerely,**

**Richard Pettinato, Exec VP  
Media Captioning Services**

**Subject:** RE Ex Parte Meetings at FCC December 17 and 20 Re Docket No 05-231 captioning quality possible rulemaking

**From:** "Richard Pettinato" <mediacap3@earthlink.net>

**Date:** 2/1/2014 10:55 AM

**To:** "Karen Peltz Strauss" <Karen.Strauss@fcc.gov>

**CC:** "Richard Pettinato" <mediacap3@earthlink.net>, "Patricia Ferrier" <mediacap99@gmail.com>

Hello Karen,

I received information providing details of the Ex Parte meetings in December at the FCC regarding Rulemaking by the FCC on captioning standards. Media Captioning Services (MCS) could not help notice that the meeting on December 20 included competitors in the captioning industry, as well as the National Court Reporters Association. MCS has provided in the past 27 years over 790,000 hours of real time captioning on a number of the major cable networks over this time ( CNN, Fox News, C-SPAN for example). Our input, as well as that of many other companies and individuals, is not being considered. We would expect the FCC would not show bias or favoritism and promote a level playing field in its approach to rulemaking. This does not appear to be the case for several reasons.

The National Court Reporters Association (NCRA) does not speak for all captioners providing real time closed captioning. Nor are their certification standards, from our experience, the best indicator as to whether a person is qualified to be a closed captioner providing high-quality real time closed captioning. In fact, the NCRA specifically excludes individuals with voice writing closed captioning skills, as well as other technologies for producing high-quality, real time closed captioning. One might infer that this position is designed to ensure the privileged position, or supposed superiority of the steno method of captioning- in fact, this position does not incentivize the development of other technologies, which, as computer power increases, increasingly enable a broader number of individuals with skill, and proper teaching, to enter the closed captioning profession. The imposition of a certification requirement based on current steno certifications offered by NCRA will certainly enable it to generate more revenue for the Association, although there is no assurance that having a certification will ensure an individual can actually provide high-quality real time closed captioning. It will, more likely than not, raise the per hour price paid by broadcasters and cable providers with no commensurate rise in the quality of captioning. In particular, without metrics to measure quality as suggested by NCRA, how can this be measured?

In addition, we noticed the disproportionate representation of at least three captioning, firms with more than one representative. They are not the arbiters of quality, although they certainly have been aggressive in having substantial market share achieved through a combination of business practices designed to acquire market share, at times at the expense of quality. We appreciate the geographic proximity of NCI and the NCRA as Washington- based entities close to the FCC, but there was some representation by telephone by other caption companies so there



is no reason other companies, such as MCS, could not be invited. We have reason to believe we have been excluded from this process by design, and this is troubling.

Bottom line, the process of reaching Rulemaking using input from Washington insiders as is currently being done will not improve caption quality, but reinforce the monopolistic structure in place in the industry currently, and which is the seminal reason for caption quality issues. We urge the Commission, and FCC Chairman Wheeler, to solicit input from other "stakeholders" in the closed captioning industry, other than those parties who will use this process as a basis for higher prices to broadcasters and cable providers, without a commensurate rise in the quality of closed captioning. Since the mandate of Congress was to maximize the accessibility of video programming through closed captioning, we believe interested Members of Congress need to be enlightened if this Rulemaking proceeds without soliciting feedback from all interested stakeholders, specifically companies and individuals providing closed captioning. Once again, the NCRA and the captioning companies which participated are not representative of the closed captioning industry, and have a mutuality of interest which, in our will generate revenue for their trade organization and, more likely than not, raise the prices of captioning to broadcasters and cable providers. Their recommendations will certainly slow the development of new technologies, on the premise that quality will be achieved by certifications based on steno captioning, which as we have experienced, do not closely correlate with success in providing high quality captioning. Broadcasters and cable providers should oppose the efforts to achieve Rulemaking without soliciting wider input from the closed captioning industry in this process, or they, as well as consumers, will certainly be the losers in this process.

As far as metrics which can be used as guidelines for real time closed captioning, we would suggest the caption stream has to be, at the minimum, functionally equivalent to the audio received by a hearing person. In determining functional equivalence, completeness of the caption stream needs to be considered. Contextual inaccuracies would be counted as errors. Accuracy of the caption stream would be affected by misspellings or an inaccurate word not corresponding to the audio track. A minimum of 98.5% accuracy of words in the caption stream would be required. These are measurable guidelines, and can be implemented as part of normal quality control by any real time captioning company interested in providing high-quality, real time captioning to their Deaf and hard of hearing viewers. MCS's benchmarks exceed these levels, and these requirements would not require significant additional personnel time or effort by a video programmer. They are reasonable, achievable, and provide a basis for determining whether internet captioning is equal to or exceeds the quality of captioning on broadcast television. And they are reasonable metrics constituting guidelines, which as we have noted, are not being suggested by the NCRA or others in their input to the FCC.

We look forward, and are hopeful, that the FCC will reach out to MCS for further input. Midsize companies, such as ours, have been the target of competitors who would like nothing better than to eliminate smaller high-quality caption providers, because they do not have the same cost/revenue structure to achieve reasonable high quality captioning, or because they want to own the market. Consumers will not be benefited by this continued process which destroys

incentives for companies to grow, and to hire more captioners who can expand the services to many underserved markets in the U.S.

Sincerely,

Richard Pettinato, Exec. VP  
Media Captioning Services

[http://www.mcs.com](#)